

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NATIONAL STARCH AND CHEMICAL
INVESTMENT HOLDING
CORPORATION, PENFORD
AUSTRALIA LTD., and PENFORD
HOLDINGS PTY,

Plaintiffs,

v.

CARGILL, INC. and
MGP INGREDIENTS, INC.,

Defendants.

C.A. No. 04-1443-GMS

NOTICE OF DEPOSITION OF JAMES ZALLIE

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendants Cargill, Inc. and MGP Ingredients, Inc. (collectively, “Defendants”) by their attorneys, will take the deposition of JAMES ZALLIE at Kenyon & Kenyon, One Broadway, New York, NY 10004, commencing at 9:30 a.m. on February 15, 2006, and continuing from day to day, excluding Saturdays and Sundays, until concluded. Please take further notice that, pursuant to Rule 30(b)(2) of the Federal Rules of Civil Procedure that the deposition will be taken before a notary public or other officer authorized by the law to administer oaths, and will be recorded both stenographically and by sound and visual means (i.e., by videotape), and provision may be made for real-time monitoring using LiveNote™ or similar means. Defendants reserve the right to use this videotape deposition at the time of trial.

Dated: February 7, 2005

FISH & RICHARDSON P.C.

By: */s/ Thomas L. Halkowski*

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*Attorneys for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2006, I electronically filed the attached **NOTICE OF DEPOSITION OF JAMES ZALLIE** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following individual. A copy of this document was also hand delivered on this date.

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*Attorneys for Plaintiffs
National Starch and Chemical
Investment Holding Corporation,
Penford Australia Ltd., and Penford
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I hereby certify that on February 7, 2006, I have mailed by via Federal Express, the document(s) to the following non-registered participant:

Richard L. DeLucia
Kenyon & Kenyon
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Holding Pty*

/s/ Thomas L. Halkowski

Thomas L. Halkowski